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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,927	10/02/2003	Alberto Arozena Bergaretxe	HERR 20.657	9568
7590	05/11/2009		EXAMINER	
Katten Muchin Zavis Rosenman 575 Madison Avenue New York, NY 10022-2585			SAFAVI, MICHAEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Box 3: Contd. Proposed amendment to each of claims 12 and 29 present new issue(s) for further consideration and possibly further search.

Box 11: Contd. Applicant's arguments with regard to the drawing objection have been reviewed but, are not deemed persuasive. Claim 25 defines a wooden block disposed on one of the plurality of primary beams and one of the plurality of cross-beams when the drawing figures illustrate a wooden block on only one of the beams or on only a primary beam 3. Applicant's remark within the penultimate line on page 8 of the after final response is not understood since there appears no cross-beam in either of Figs. 7 and 16.

Applicant's arguments with respect to the rejection of claims 12 and 29 over the prior art appear directed to language of claims 12 and 29 as proposed in the after final response and are therefore, not deemed persuasive.

With regard to Applicant's arguments against the rejection of claims 23 and 24 under 35 USC 112, first paragraph, the arguments presented on page 9 of the response, (with illustrations provided on page 10), appear to support the language presented within claim 20 but do not serve to provide support and explanation for the language found within claim 23. It is noted that the instant specification as from line 29 of page 8 to line 4 of page 9 sets forth the attachment between the support bolster 2 and the brace 1. However, such does not set forth "wherein the top end of the respective vertical brace comprises a locking device for locking the respective vertical brace to the respective bolster support" as is recited within claim 23. Further, the instant

specification presents reference character “3” as denoting all of a “primary beam”, a “secondary beam”, and a “main tube”.

With regard to Applicant’s arguments against the rejection of claim 12 under 35 USC 112, second paragraph, the instant disclosure fails to set forth each plate comprising four cross-shaped sectors”. It has been noted that Applicant’s proposed amendment to the specification, (which has not been entered), fails to specifically set forth a “cross-shaped sector” or “each plate comprising four cross-shaped sectors” particularly, with each sector defining a cradle.

With regard to Applicant’s arguments against the rejection of claim 16 under 35 USC 112, second paragraph, the examiner can only disagree that the double recitation, (i.e., “one of one of”), found within claim 16 does not render claim 16 indefinite since one of ordinary skill in the art would not construe claim 16 as clearly setting forth that the beam groove is, (actually receives), either one of the cross-beams perpendicularly arranged or a cantilevered beam. To this end it is noted that “cantilevered beam” finds no basis within the instant specification.

With regard to Applicant’s arguments against the rejection of claim 19 under 35 USC 112, second paragraph, the examiner can only disagree that the inclusion of a double recitation, (i.e., “one of one of”), found within claim 19 does not render claim 19 indefinite since one of ordinary skill in the art would not construe claim 19 as clearly setting forth “that each cradle further comprises...[an] outwardly projecting oblique protrusion for hanging one of the primary beams or one of the cross-beam.”

With regard to Applicant's arguments against the rejection of claim 28 under 35 USC 112, second paragraph, Applicant's explanation of what is described on pages 5 and/or 7 of the specification, (which the examiner does not dispute), does not by itself serve to obviate the indefiniteness of the recitation "a lower protrusion...between which is defined a recess" particularly, with only one element being set forth.

It has been noted that with respect to the claims addressed within the final Office action of January 28, 2009, the term "'bolster supports" does not appear to possess antecedent basis in any of claims 19, 21, and 23. Further, line 2 of claim 25 appears to present a double recitation, (i.e., "one of one of").

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
May 08, 2009